

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7463

BILL NUMBER: HB 1342

NOTE PREPARED: Jan 7, 2009

BILL AMENDED:

SUBJECT: Juvenile Home Detention.

FIRST AUTHOR: Rep. Hinkle

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Penalties for Parents, Guardians, or Custodians* – It provides that if a juvenile court releases a juvenile to the juvenile's parent, guardian, or custodian after a detention hearing or as part of a disposition, the juvenile and the juvenile's parent, guardian, or custodian are subject to the conditions of juvenile home detention. It provides penalties for a parent, guardian, or custodian who does not immediately report any violation by the juvenile of the restrictions and rules of juvenile home detention of which the parent, guardian, or custodian is aware.
- B. *Jurisdictional Changes* – It provides that a juvenile court does not have jurisdiction over an individual for an alleged violation constituting a felony or misdemeanor if the individual was at least ten years of age at the time of the alleged violation and has at least six prior unrelated misdemeanor or felony convictions or juvenile adjudications for acts that would constitute misdemeanors or felonies if committed by an adult.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Jurisdictional Changes* – Under current law, juvenile offenders who are accused of certain felonies that are either violent or involve weapons or drug dealing must appear in adult court. As proposed, juveniles who are at least ten years of age with more than six prior violations which are either felonies or misdemeanors would also appear in adult court instead of juvenile court. Consequently, there could be a potential reduction in Department of Correction (DOC) expenditures.

If a juvenile is committed to a Department of Correction facility, then DOC would likely place this juvenile

in an adult facility that is separated from older adult offenders, a higher cost alternative than placing the individual with the general adult population, but still less than committing the person to a juvenile facility. The cost of incarceration for “youthful” offenders will be less than if they were placed in a juvenile facility. In FY 2008, the average cost per adult offender was \$20,287, while the average cost of incarceration for a juvenile was \$69,223.

Explanation of State Revenues: *Penalties for Parents, Guardians, and Custodians* – If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. (See table under *Explanation of Local Expenditures*.)

The maximum fine for a Class C misdemeanor is \$500, while the maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

The maximum payment for a Class D infraction is \$25, and the maximum amount for a Class C infraction is \$500. Infraction judgments are deposited in the State General fund.

Since the case is filed in a circuit or superior county court with juvenile jurisdiction, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund.

In addition, some or all of the following fees would be deposited into the state General Fund: document storage fee (\$2), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1). Revenue from the automated record keeping fee (\$7) would be deposited into the State User Fee Fund.

Explanation of Local Expenditures: *Penalties for Parents, Guardians, and Custodians* – This bill would impose conditions on parents, guardians, or custodians of a juvenile with whom the juvenile is living and placed on detention by a juvenile court. The parent, guardian, or custodian would be required to report the juvenile’s violations to the juvenile’s supervisor. When juveniles violate conditions of juvenile home detention probation, then parents, guardians, or custodians would commit either an infraction or a misdemeanor depending on how blameworthy they are in the juvenile’s behavior. The severity of the offense is shown in the following table.

Sanctions on Parents, Guardians, or Custodians When Juveniles on Home Detention Violate Conditions of Home Detention and Adults Fail to Report Violations		
	<u>Negligently or Recklessly Did Not Report Violations</u>	<u>Knowingly and Intentionally Did Not Report Violations</u>
First Violation	Class D Infraction	Class C Misdemeanor
Second Violation	Class C Infraction	Class A Misdemeanor
Subsequent Violations	Class C Misdemeanor	Class A Misdemeanor

A Class C misdemeanor is punishable by up to 60 days in jail. A Class A misdemeanor is punishable by up to a year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

In CY 2007, there were 1,897 juveniles who had their probation modified because they violated the terms of their probation. The parents, guardians, or custodians who had custody of these juveniles would have committed either an infraction or misdemeanor if they knew of these violations.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Several additional fees may also be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *2007 Indiana Probation Report* (publication pending).

Fiscal Analyst: Mark Goodpaster, 317-232-9852.